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<u>PATENT</u>

Attorney Docket No: 01017/36263

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	) I hereby certify that this paper is being
Liu et al.	) deposited with the United States Postal
	) Service as First Class mail, postage
Serial No.: 09/422,838	) prepaid, in an envelope addressed to:
	) Assistant Commissioner for Patents, ) Washington, D.C. 20231, on
Filed: October 22, 1999	) Washington, D.C. 20231, on
	) July 26, 2001
T	,

For:

Thrombopoeitic Compounds

Group Art Unit: 1631

Examiner: S. Zhou

Joseph A. Williams, Jr., Reg. No. 38,659

APPLICANTS' RESPONSE TO RESTRICTION REQUIREMENT AND CORRECTION OF SEQUENCE LISTING

Assistant Commissioner for Patents Box PCT Washington, DC 20231

Sir:

In a restriction requirement dated March 26, 2001, the Examiner advanced a five-way restriction requirement alleging that pending claims 1-34 were directed to five different inventions, and further required election of a single species. The Examiner also asserted that the application did not comply with the rules for sequence listing because the computer-readable form was defective. A petition for a three month extension of time accompanies this response.

## A. Response to the Restriction Requirement

The Applicants herein elect with traverse claims 1-16, 24 and 27 (Group I as designated by the Examiner) for continued prosecution in the application and further elect the species designated as SEQ. ID NO: 33, also with traverse.

The Applicants submit that the restriction requirement is improper because searching the claimed subject matter at the one time would not be a serious burden on the Examiner. For example, since the polynucleotides of Group IV only encode the

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polypeptides of Groups I and II, and the methods of Group V use these claimed polypucleotides to produce the claimed polypeptides, it would be convenient to search these groups together because a search designed to identify art related to the subject matter of each of these groups will employ the same or similar search terms. Moreover, it is likely that an art search related to the polypeptides would also reveal any methods of their use. Further, the requirement for election of a species is traversed in view of the fact that a search for each of the recited species requires nothing more than a database comparison which can easily be carried out for the recited peptides. The Applicants assert that the number of species is not unreasonable and the searching required could easily be accomplished in a short period of time.

The Applicants therefore request that the restriction requirement and required election of a species be withdrawn.

## B. Correction of the Sequence Listing

In response to the Examiner's assertion that the computer-readable form of the sequence listing was defective, a substitute copy is submitted herewith. The statement as required under 37 CFR §1.821 (f) and (g) accompanies this submission.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

By

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